

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION**

**JASON SMITH on Behalf of Himself and All
Others Similarly Situated**

Plaintiffs,

v.

CIVIL ACTION NO. 3:13-5211

RES-CARE, INC. a Kentucky corporation

Defendant.

REPORT OF PARTIES' PLANNING MEETING

In accordance with Rule 26(f) of the Federal Rules of Civil Procedure and this Court's Order and Notice, Plaintiffs and Defendants, by counsel, set forth the report of their planning meeting.

1. Initial Planning Meeting.

A meeting was held on June 14, 2013. The undersigned counsel for Plaintiffs and Defendants participated.

2. Pre-Discovery Disclosures.

Initial disclosures under Federal Rule of Civil Procedures 26(a)(1) are due on July 22, 2013.

3. Joinder of Parties and Amendment of Pleadings.

Plaintiff should be allowed until September 16, 2013, and Defendant should be allowed until October 16, 2013, to join additional parties and to amend the pleadings exclusive of parties who are identified through discovery or otherwise become necessary.

4. Discovery Plan.

(a). **Scope of Discovery.**

The parties will need to conduct discovery regarding the claims in the Complaint along with the defenses thereto and the appropriateness of class certification.

(b). **Electronically Stored Information.**

Electronically stored information may be produced in printed, hard copy or disk formats. However, the producing party shall maintain the electronically stored information in the format in which it exists at the time the request for discovery was made. Thereafter, the parties may meet and confer regarding the format for the disclosure of this electronically stored information.

(c). **Claims of Privilege or Protection of Trial Preparation Material.**

Inadvertent production of privileged material shall not be deemed a waiver of any privilege, and, if it is discovered that a party has produced privileged material, the receiving party shall promptly return the same.

(d). **Complex Case.**

This action is suitable for designation as a complex case on the basis that the case is a putative class action, requiring special case management procedures and additional pretrial conferences.

(e). **Discovery Deadlines.**

The last date to serve discovery requests: February 14, 2014. The last date to take discovery depositions: April 1, 2014.

(f). **Discovery Limits.**

The parties adopt the discovery limits set forth in the Federal Rules of Civil Procedure.

(g). **Expert Disclosures.**

The following deadlines are proposed for disclosure of expert witnesses:

Plaintiff's or party bearing burden of proof expert disclosures due February 3, 2014.

Defendant's or responsive expert disclosures due March 3, 2014.

Rebuttal expert disclosures due March 14, 2014.

5. Magistrate Judges.

The parties do not consent to the exercise of jurisdiction by a United States Magistrate Judge to conduct any and all further proceedings in this case, including for trial and entry of final judgment.

6. Mediation.

Final mediation shall take place on or before: May 1, 2014.

7. Dispositive Motions.

Potential dispositive motions shall be filed by April 21, 2014 with responses and replies due according to the rules.

8. Settlement Meeting

The deadline to conduct settlement meeting and Rule 26(a)(3) disclosures: July 7, 2014.

9. Pretrial Conference.

The parties request a pretrial conference August 1, 2014. Plaintiff shall submit a proposed pretrial order to Defendants on or before July 15, 2014, and Defendants will submit a joint pretrial order on July 23, 2014.

10. Jury Instructions.

Jury instructions shall be exchanged and transmitted to Court's chambers on or before August 7, 2014.

11. Final Settlement Conference.

A final settlement conference will take place on August 14, 2014.

12. Trial.

The case should be ready for trial by August 15, 2014, and at this time is expected to take
Approximately 10 days.

Respectfully submitted,

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